

AUTHORIZING THE USE OF THE CAPITOL GROUNDS FOR THE 3RD ANNUAL
FALLEN FIREFIGHTERS CONGRESSIONAL FLAG PRESENTATION CEREMONY

MARCH 23, 2016.—Referred to the House Calendar and ordered to be printed

Mr. SHUSTER, from the Committee on Transportation and Infrastructure, submitted the following

R E P O R T

[To accompany H. Con. Res. 120]

[Including cost estimate of the Congressional Budget Office]

The Committee on Transportation and Infrastructure, to whom was referred the concurrent resolution (H. Con. Res. 120) authorizing the use of the Capitol Grounds for the 3rd Annual Fallen Firefighters Congressional Flag Presentation Ceremony, having considered the same, report favorably thereon without amendment and recommend that the concurrent resolution be agreed to.

CONTENTS

| | Page |
|---|------|
| Purpose of Legislation | 1 |
| Background and Need for Legislation | 2 |
| Hearings | 2 |
| Legislative History and Consideration | 2 |
| Committee Votes | 2 |
| Committee Oversight Findings | 2 |
| New Budget Authority and Tax Expenditures | 2 |
| Congressional Budget Office Cost Estimate | 2 |
| Performance Goals and Objectives | 3 |
| Advisory of Earmarks | 3 |
| Duplication of Federal Programs | 4 |
| Disclosure of Directed Rule Makings Federal Mandate Statement | 4 |
| Federal Mandate Statement | 4 |
| Preemption Clarification | 4 |
| Advisory Committee Statement | 4 |
| Applicability of Legislative Branch | 4 |
| Section-by-Section Analysis of Legislation | 4 |
| Changes in Existing Law Made by the Bill, as Reported | 5 |

PURPOSE OF LEGISLATION

H. Con. Res. 120 authorizes the use of the Capitol Grounds for the 3rd Annual Fallen Firefighters Congressional Flag Presentation Ceremony.

BACKGROUND AND NEED FOR LEGISLATION

H. Con. Res. 120 would authorize the use of the Capitol Grounds for the 3rd Annual Fallen Firefighters Congressional Flag Presentation Ceremony to be held on September 28, 2016. At the ceremony, leaders of the Congressional Fire Services Caucus will present American flags flown over the U.S. Capitol to the National Fallen Firefighters Foundation. Subsequently, the flags will be presented to the surviving relatives during the National Fallen Firefighters Memorial Service held in Emmitsburg, Maryland.

HEARINGS

No hearings were held on H. Con. Res. 120.

LEGISLATIVE HISTORY AND CONSIDERATION

On February 26, 2016, Representative Peter T. King (R-NY) introduced H. Con. Res. 120, a concurrent resolution to authorize the use of the Capitol Grounds for the 3rd Annual Fallen Firefighters Congressional Flag Presentation Ceremony.

On March 2, 2016, the Committee on Transportation and Infrastructure met in open session. The Committee ordered the concurrent resolution reported favorably to the House by voice vote with a quorum present.

COMMITTEE VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires each committee report to include the total number of votes cast for and against on each record vote on a motion to report and on any amendment offered to the measure or matter, and the names of those members voting for and against. There were no record votes taken in connection with consideration of H. Con. Res. 120.

COMMITTEE OVERSIGHT FINDINGS

With respect to the requirements of clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in this report.

NEW BUDGET AUTHORITY AND TAX EXPENDITURES

Clause 3(c)(2) of rule XIII of the Rules of the House of Representatives does not apply where a cost estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974 has been timely submitted prior to the filing of the report and is included in the report. Such a cost estimate is included in this report.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

With respect to the requirement of clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has received the enclosed cost estimate for H. Con. Res. 120 from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, March 18, 2016.

Hon. BILL SHUSTER,
*Chairman, Committee on Transportation and Infrastructure,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H. Con. Res. 120, a concurrent resolution authorizing the use of the Capitol Grounds for the 3rd Annual Fallen Firefighters Congressional Flag Presentation Ceremony.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Matthew Pickford.

Sincerely,

ROBERT A. SUNSHINE
(For Keith Hall, Director).

Enclosure.

H. Con. Res. 120—A concurrent resolution authorizing the use of the Capitol Grounds for the 3rd Annual Fallen Firefighters Congressional Flag Presentation Ceremony

H. Con. Res. 120 would authorize the Congressional Fire Services Institute and the National Fallen Firefighters Foundation to use the Capitol grounds on September 28, 2016, or on such a date as the Speaker of the House of Representatives and the Senate Committee on Rules and Administration may jointly designate. Because the sponsors would assume responsibility for all expenses and liabilities associated with the event, CBO estimates that passage of H. Con. Res. 120 would have no significant cost to the federal government. Because final passage of the legislation would not affect direct spending or revenues, pay-as-you-go procedures do not apply.

CBO estimates that H. Con. Res. 120 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2027.

The CBO staff contact for this estimate is Matthew Pickford. This estimate was approved by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

PERFORMANCE GOALS AND OBJECTIVES

With respect to the requirement of clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the performance goal and objective of this legislation is to authorize the use of the Capitol Grounds for the 3rd Annual Fallen Firefighters Congressional Flag Presentation Ceremony.

ADVISORY OF EARMARKS

Pursuant to clause 9 of rule XXI of the Rules of the House of Representatives, the Committee is required to include a list of congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives. No provision in the bill includes an earmark, limited tax benefit, or limited tariff benefit under clause 9(e), 9(f), or 9(g) of rule XXI.

DUPLICATION OF FEDERAL PROGRAMS

Pursuant to section 3(g) of H. Res. 5, 114th Cong. (2015), the Committee finds that no provision of H. Con. Res. 120 establishes or reauthorizes a program of the federal government known to be duplicative of another federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

DISCLOSURE OF DIRECTED RULE MAKINGS

Pursuant to section 3(i) of H. Res. 5, 114th Cong. (2015), the Committee finds that enacting H. Con. Res. 120 does not direct the completion of a specific rule making within the meaning of section 551 of title 5, United States Code.

FEDERAL MANDATE STATEMENT

The Committee adopts as its own the estimate of federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act (Public Law 104–4).

PREEMPTION CLARIFICATION

Section 423 of the Congressional Budget Act of 1974 requires the report of any Committee on a bill or joint resolution to include a statement on the extent to which the bill or joint resolution is intended to preempt state, local, or tribal law. The Committee states that H. Con. Res. 120 does not preempt any state, local, or tribal law.

ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act are created by this legislation.

APPLICABILITY OF LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act (Public Law 104–1).

SECTION-BY-SECTION ANALYSIS OF LEGISLATION

Section 1. Use of the Capitol Grounds for Fallen Firefighters Congressional Flag Presentation Ceremony

Section 1 authorizes the Congressional Fire Services Institute and the National Fallen Firefighters Foundation to sponsor a public event, the 3rd Annual Fallen Firefighters Congressional Flag Presentation Ceremony, on the Capitol Grounds, in order to honor the firefighters who died in the line of duty during 2015 on September 28, 2016, or on such other date as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate jointly designate.

Section 2. Terms and conditions

Section 2 requires the event to be free of admission charge and open to the public and arranged to not interfere with the needs of Congress. This section also makes clear the sponsor of the event shall assume full responsibility for all expenses and liabilities incident to all activities associated with the event.

Section 3. Event preparations

Section 3 authorizes the sponsor, subject to the approval of the Architect of the Capitol, to erect upon the Capitol Grounds such stage, sound amplification devices, and other related structures and equipment, as may be required for the event.

Section 4. Additional arrangements

Section 4 authorizes the Architect of the Capitol and the Capitol Police Board to make such additional arrangement as may be required to carry out the event.

Section 5. Enforcement of restrictions

Section 5 requires the Capitol Police Board to enforce all of the restrictions contained in section 5104(c) of title 40, United States Code, concerning sales, advertisements, displays, and solicitations on the Capitol Grounds, as well as other restrictions applicable to the Capitol Grounds, in connection with the event. This section also authorizes the Capitol Police Board to allow the event sponsor to use traditional, hand-held fire equipment the Board determines can be used in a safe manner.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

H. Con. Res. 120 makes no changes in existing law.